Supreme Court, U.S.
FILED

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No.

In The

SUPREME COURT OF THE UNITED STATES

October Term, 1994

COLUMBUS SANDERS,
Petitioner,

v.

UNITED TEACHERS-LOS ANGELES,
LOS ANGELES UNIFIED SCHOOL
DISTRICT,
Respondents

PETITION FOR A WRIT OF CERTIORARI

To The United States Court of Appeals

For the Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

Columbus Sanders
In Pro Per
P. O. Box 4040
Sunland, California 91041
(818) 897-8841

QUESTIONS PRESENTED

(1) Whether the Respondents' union failure to process Petitioner's grievances upon determining that the claims were of race discrimination or had a racial animus because the collective bargaining agreement specifically, states that "claimed violations of Article VII (non-Discrimination) are to be handled under appropirate statutory and/or judical procedures (where available) rather than under this grievance procedure" violate 42 U.S.C. Section 2000e, et seq., 42 U.S.C. Section 1981, the Civil Rights Act of 1991, the Fourteenth Amendment to the United States Constitution and related laws.

(2) Whether finding of fact made by the district court without a hearing and the granting of summary judgment as a matter of law in favor of the Respondents clearly erroneous.

PETITION FOR A WRIT OF CERTIORARI
To the
United States Court of Appeals
For the Ninth Circuit

Columbus Sanders respectfully petitions for a Writ of Certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit for this instant District Court Case No. CV 91-0172KN presented in Appendix, Pages 1-57.[1]

OPINIONS BELOW

The decisions and opinions of the Court of Appeals, the District Court, and the Equal Employment Opportunity Commission (EEOC) appear in the Appendix.

JURISDICTION

The opinion below for a petition for rehearing was entered February 7, 1995. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. Section 1254(1).

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[1]The Captions in the Appeals Court opinions (Appendix pages 62 and 73) reflect the earlier case's District Court Name and number. (See Appendix page 1)

STATUTORY PROVISION INVOLVED

42 U.S.C. Section 1981, provides that "all persons" shall have the same right to make and enforce contracts" "as is enjoyed by white citizens."

42 U.S.C. Section 2000e-2, provides "Unlawful Employment Practices:"
(a) for an employer "to otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race...."
(d) for labor organization to "otherwise to discriminate against, any individual because of his race...."

Amendment XIV to the United States Constitution provides.."No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States...."

Invoked are all clauses of the 1991 Civil Rights Act as they relate to the above laws.

STATEMENT OF THE CASE

Upon receiving a determination letter from EEOC (Appendix p. 76), Petitioner Sanders filed this case in the District Court seeking a review of the EEOC decision under Title VII, 42 U.S.C. Section 1981, and related federal and state laws. Sanders was given the right to sue the State of California upon filing the right claims. The District Court consolidated this case with a related case and both cases were dismissed in favor of the respondents by summary judgment. The Appeals Court affirmed the decision of the District Court without addressing the issues in this instant case or "without comment." A petition for rehearing to get a "comment" or "evaluation" of this case

was denied.

REASONS FOR GRANTING THE WRIT

THE COURT OF APPEALS' DECISION AFFIRMING THE DISTRICT COURT'S OPINION "WITHOUT COMMENT" IS IN CONFLICT WITH DECISIONS OF THE UNITED STATES SUPREME COURT AND THERE IS NO LEGALLY OR FACTUALLY SUFFICIENT BASIS FOR A SUMMARY JUDGMENT DISMISSING THE CASE IN FAVOR OF THE RESPONDENTS WHEN A JURY TRIAL IS DEMANDED

Continueously since 1968, Petitioner, teacher Dr. Columbus Sanders has been a member of Respondent labor union and employee of Respondent school district (legally the State of California). Since September, 1985, African American Sanders had complained to the union about racial discrimination and breaches of the union collective bargaining agreement (cba) be- of his race by the employer school administrators. For years the union "did nothing" or tried to help Sanders outside of the grievance process. Grievance No. 1 was filed leaving out Sanders' allegations

of racial discrimination. Grievance No. 1 was resolved in favor of Sanders at Step 1. Grievances Nos. 2 and 3 both had racial animuses. They were taken through Steps I and II and were not taken to arbitration because of the language of the cba barring grievances based on race discrimination. Grievance No. 2 resulted in this case. Because of the above, Sanders became ill and missed days from work with loss of pay.

The Appeals Court and the District Court gave their opinions without allowing a hearing, and their facts are not supported by the records.

CONCLUSION

For the foregoing reasons, this petition for a Writ of Certiorari should be granted.

Respectfully Submitted,
Columbus Sanders

Columbus Sanders, Ph.D.
In Pro Per (Pro Se)
P. O. Box 4040
Sunland, CA 91041
(818) 897-8841